Precautions to be taken by the Government Departments while filing Special Leave Petition before the Hon'ble Supreme Court of India.

Government of Maharashtra
Law and Judiciary Department
Government Circular No.: 489-2018/Misc./E
Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai- 400 032.
Date: 4th September, 2018

CIRCULAR

Read –

1. **Government Resolution No. CTS/CR 94/Desk-19, dated 27.08.2014.**
2. **Government Circular No. 306-2016/E Br. Dated 31.03.2016.**

1. The Hon'ble Supreme Court of India, vide order dated 11.07.2018, in SLP (Civil) (Diary) No. 20879 of 2018, in the case of State of Maharashtra V/s. Madhuri Madhukar Deshmukh, expressed strong displeasure over filing of unnecessary litigation by the State.

2. The Hon'ble Supreme Court has ordered and directed that the State Government should not file cases before the Hon'ble Court, filing of which is uncalled for. The Hon'ble Court further observed that a large number of cases are being filed without any sufficient reason, and that State bodies should not file unnecessary litigation. The Hon'ble Supreme Court has observed and directed inter-alia as under:-

> ***"2. No ground for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The special leave petition is accordingly dismissed. Pending application, if any, stands disposed of.***
> ***3. We feel that the State Government should not file such cases in this Court, filing of which are uncalled for. We have seen large number of cases are being filed without any sufficient reason. State bodies should not file unnecessary litigation. A copy of the order be sent to the Chief Secretary of the concerned State. Let the Chief Secretary of the State look into the matter and see that no matter is filed unnecessarily."***

3. In view of the aforesaid directions of the Hon'ble Court, all the departments are hereby directed to carefully examine the matters before forwarding a proposal for filing of Appeal/Revision or other proceedings against the orders passed by a Court or Tribunal. An endeavour shall be made to avoid filing of unnecessary litigation. The Departments are directed to ensure that the recourse to the remedy of Appeal/Revision etc. shall be made in only those cases where there are sufficient and justifiable grounds/reasons for filing of Appeal/Revision or other proceedings.

4. Attention of all the concerned is again invited to the State Litigation Policy framed vide Government Resolution at Sr. No. 1 with the object to reduce unnecessary litigation and to avoid resorting to litigation just for the sake of filing. Attention of all the concerned is also invited to Circular under reference at Sr. No. 2, whereby all the Departments have already been instructed to avoid unwarranted and unnecessary litigation.

5. In adherence to the aforesaid orders passed by the Hon'ble Supreme Court, all the Departments are again directed to scrupulously ensure that no proposal to file proceedings before the Hon'ble Supreme Court be moved in unmerited matter and where interference by the Hon'ble Supreme Court is not warranted.

6. All the Departments are directed to ensure scrupulous compliance of the aforesaid instructions. Any wilful disobedience of the above instructions will be viewed seriously and shall entail stringent action.

7. This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201809041519206512. This Circular has been signed digitally.

By order and in the name of the Governor of Maharashtra.

Dinesh Kumar Jain

Digitally signed by Dinesh Kumar Jain
DN: c=IN, o=Government Of Maharashtra, ou=Chief Secretary Department, postalCode=400032, st=Maharashtra, 2.5.4.20=ea3b8615acaf5a916338801298bc1b7123bd0cac17faf57848ccd7382e28252c, cn=Dinesh Kumar Jain
Date: 2018.09.04 15:23:11 +05'30'

(D.K. Jain)
Chief Secretary to Government

Copy forwarded to:

1) All the Departments of Mantralaya, Mumbai.
2) The Joint Secretary, Law and Judiciary Department, A/M Branch-Mumbai/Nagpur/Aurangabad.
3) The Government Advocate, Government of Maharashtra, Supreme Court, New Maharashtra Sadan, Kasturba Gandhi Marg, New Delhi.
4) The Government Pleaders, High Court (O.S.)/High Court (A.S.)(Writ Cell)/High Court (A.S.) Mumbai.
5) The Government Pleaders, High Court Bench at Nagpur/Aurangabad.
6) Select File.